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09/888,677	06/25/2001	SushilKumar Gangadharan	112056-0009	9968
24267 7590 04/18/2007 CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			EXAMINER NGUYEN, DUSTIN	
			ART UNIT 2154	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/888,677	Applicant(s) GANGADHARAN, SUSHILKUMAR	
	Examiner Dustin Nguyen	Art Unit. 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-46, 48 and 50-55 is/are rejected.
- 7) ☒ Claim(s) 47 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-55 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/29/2007 has been entered.

Claim Objections

3. Claim 52 is objected to because of the following informalities: "the method comprising the step of" should be corrected as "the apparatus comprising". Appropriate correction is required.
4. As per claims 16, 29, and 51, Examiner requests Applicants to replace "containing" to "storing" after "A computer readable medium" to clarify the claimed invention.

Allowable Subject Matter

5. Claims 47 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 01/29/2007 have been fully considered but they are not persuasive.

7. As per remarks, Applicants' argued that (1) Mankude does not teach or suggest Applicants' claimed novel step of associating each fragment to an underlying link of the aggregate on the basis of the Internet protocol (IP) identifier (ID) and a number of active links of the aggregate.

8. As to point (1), Mankude discloses a system that facilitates forwarding fragments of a packet received from a source node to a destination node [Abstract]. The system of Mankude includes a cluster of multiple server nodes that connect to each other through private interfaces [i.e. aggregate links] [224, 225, Figure 2; and col 4, lines 53-63]. Mankude discloses the packet received at the intermediate node is fragmented to the size of the MTU of the interface on which the packet is going to be sent, then create a holder object for each packet that is in the process of being forwarded to a server instance, and the holder object includes a packet ID, which uniquely

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identifies the packet, and a fragment pointer, which points to a link list of packet fragments [Figure 4; and col 6, lines 20-44]. In Mankude, the system uses the packet identifier (ID) to identify the packet to which packet fragment belongs and links them into a holder object [i.e. associating each fragment to an underlying link of the aggregate on the basis of the Internet Protocol (IP) identifier (ID)] [Figure 4; col 5, lines 60-63; and col 6, lines 20-44]. In addition, Mankude discloses separate holder object is created for each packet that is in the process of being forwarded to a server instance at a destination node [i.e. active links] [col 6, lines 25-27], and the system further determining if an entry exists for packet fragment, if an entry does not exists, the system creates a holder object, if an entry does exists, the system links the fragment into the holder object associated with the packet so that the fragment can be sent to the destination node [i.e. associating the fragment with a link based on a number of active links] [col 7, lines 2-16].

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 9-11, 16, 30, 32, 52 and 55 are rejected under U.S.C. 102(e) as being anticipated by Mankude et al. [US Patent No 6,795,866].

11. As per claim 1, Mankude discloses the invention substantially as claimed including a method for uniformly distributing data transmitted by a server over a plurality of underlying links of an aggregate within a computer network comprising [i.e. forwards the packets to various nodes within clustered computing system based upon load balancing policies and other considerations] [col 4, lines 10-19 and lines 50-53]:

defining a unit of data as a datagram [i.e. packet] [Abstract; and col 1, lines 46-50] having an Internet Protocol (IP) identifier (ID) [i.e. the packet includes an identifier (ID) for an Internet Protocol (IP)] [col 2, lines 57-62];

apportioning datagram into at least one fragment at the server [i.e. divide packet into fragments for transmission] [Figure 3; and col 1, lines 54-56];

associating each fragment to an underlying link of the aggregate [i.e. keep track of how packet fragments are associated with destination nodes] [col 1, lines 62-64; col 4, lines 53-col 5, lines 9] on the basis of the IPID and a number of active links of the aggregate [i.e. the system uses a packet identifier from the fragment to look up an entry for the packet within a packet forwarding data structure] [Abstract; col 2, lines 11-27 and lines 57-63]; and

transmitting the fragment over its associated underlying link from the server to the computer network [i.e. forwards the fragments to destination nodes] [Abstract; col 4, lines 48-

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53; and col 5, lines 40-45] to transmit fragments of the datagram over the same associated underlying link [Figure 5; and col 6, lines 64-col 7, lines 26].

12. As per claim 9, Mankude discloses loading at least one data buffer of the server with the at least one fragment; fetching the fragment from the data buffer; and loading at least one queue of the server with the fragment, the queue associated with the underlying link [i.e. packet fragments can queue up in holder object] [Figure 4; and col 6, lines 37-52].

13. As per claim 10, it is rejected for similar reasons as stated above in claim 1. Furthermore, Mankude discloses a processor, a memory coupled to the processor and having locations addressable by the processor, and an operating system resident in the memory locations and executed by the processor [i.e. server nodes] [Figure 2; and col 4, lines 39-47], the operating system configured to implement a modified load balancing technique [col 1, lines 33-35; col 4, lines 50-53; and col 5, lines 31-39].

14. As per claim 11, it is rejected for similar reasons as stated above in claim 1.

15. As per claim 16, it does not teach or define any new limitations above claim 1 and therefore is rejected for similar reasons.

16. As per claim 30, it is rejected for similar reasons as stated above in claim 1. Furthermore, Mankude discloses transmitting all of the one or more fragments associated with the IP ID over

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the network link [i.e. ensure that packets belonging to the same TCP connection or UDP instance are sent to the same service instance] [col 1, lines 52-54; and col 4, lines 15-19].

17. As per claim 32, it is rejected for similar reasons as stated above in claims 10 and 30.

18. As per claim 52, Mankude discloses the invention as claimed including a method for uniformly distributing data transmitted by a server over a number of underlying links of an aggregate within a computer network [i.e. forwards the packets to various nodes within clustered computing system based upon load balancing policies and other considerations] [col 4, lines 10-19 and lines 50-53], the method comprising the steps of:

selecting a datagram for transmission [i.e. packet] [col 4, lines 10-19], the datagram having an Internet Protocol (IP) identifier (ID) [i.e. the packet includes an identifier (ID) for an Internet Protocol (IP)] [col 2, lines 57-62];

selecting a link from a plurality of available links for transmitting the datagram [i.e. service instance is selected] [col 2, lines 57-62; and col 5, lines 21-22];

breaking the datagram into fragments [i.e. divide packet into fragments for transmission] [Figure 3; and col 1, lines 54-56]; and

sending all of the fragments down the selected link [col 4, lines 15-19; and col 7, lines 13-22].

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19. As per claim 55, it is rejected for similar reasons as stated above in claim 52.

Furthermore, Mankude discloses a server and a plurality of clients in communication with the server over a plurality of links [Figures 1 and 2; col 3, lines 39-47; and col 4, lines 39-47].

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 2, 3, 12, 13, 17, 18, 44-46, 50, 51 and 53 are rejected under U.S.C. 103(a) as being unpatentable over Mankude et al. [US Patent No 6,795,866], in view of Westberg [US Patent No 6,791,982].

22. As per claim 2, Mankude does not specifically disclose wherein the step of associating comprises the step of producing a result representing a remainder upon dividing the IP ID by the number of active links. Westberg discloses wherein the step of associating comprises the step of producing a result representing a remainder upon dividing the IP ID by the number of active links [i.e. modulo] [col 8, lines 37-49]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Mankude and Westberg because Westberg's teaching would allow for segmentation for transmission of large data packets to increase the speed of transferring information.

23. As per claim 3, Mankude discloses wherein the step of associating further comprises:
rotating the fragments of each datagram among all the underlying links to thereby ensure that all fragments having the same IP ID are provided to the same physical link of the aggregate [i.e. ensure that packets originating from the same client are directed to the same server] [col 1, lines 52-54; and col 4, lines 15-19].

Mankude does not specifically disclose

calculating the IP ID of each datagram in a sequential manner.

Westberg discloses

calculating the IP ID of each datagram in a sequential manner [Figure 4; and col 8, lines 14-36].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Mankude and Westberg because Westberg's teaching of sequential manner would allow receiving node to detect lost segments [Westberg, col 8, lines 31-33].

24. As per claims 12 and 13, they are rejected for similar reasons as stated above in claims 2 and 3.

25. As per claims 17 and 18, they are rejected for similar reasons as stated above in claims 2 and 3.

26. As per claims 44-46, they are rejected for similar reasons as stated above in claims 1-3.

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27. As per claims 50 and 51, they are rejected for similar reasons as stated above in claim 44.

28. As per claim 53, it is rejected for similar reasons as stated above in claim 3.

29. Claims 4, 14, 19 are rejected under U.S.C. 103(a) as being unpatentable over Mankude et al. [US Patent No 6,795,866], in view of Narad et al. [US Patent No 6,157,955].

30. As per claim 4, Mankude does not specifically disclose wherein the step of associating comprising:

logically combining the IP ID with a predetermined mask to produce a quantity;

right shifting the quantity a predetermined number of places; and

establishing a threshold at which a group of data is forwarded to each underlying link of the aggregate.

Narad discloses wherein the step of associating comprises:

logically combining the IP ID with a predetermined mask to produce a quantity (Col. 37, lines 2-6; Col. 91, lines 51-56);

right shifting the quantity a predetermined number of places (Col. 42, lines 42-48); and

establishing a threshold at which a group of data is forwarded to each underlying link of the aggregate (Col. 6, lines 56-62; Col. 8, lines 21-29).

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It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teaching of Mankude and Narad because they both deal with processing data in-order to transmit information through a network of communication links. Furthermore, the teaching of Narad to combine the IP ID with a predetermined mask, then to right shift the combined value a predetermined number of places while establishing a threshold at which a group of data is forwarded to each underlying link accelerates the association of a datagram and increases efficiency with the system Boucher discloses.

31. As per claims 14 and 19, they do not teach or define any new limitations above claim 4 and therefore is rejected for similar reasons.

32. Claims 5, 15, 20 and 48 are rejected under U.S.C. 103(a) as being unpatentable over Mankude et al. [US Patent No 6,795,866], in view of Narad et al. [US Patent No 6,157,955], and further in view of Westberg [US Patent No 6,791,982].

33. As per claim 5, it is rejected for similar reasons as stated above in claims 2 and 4. Furthermore, Narad discloses a combined quantity of IP ID and a predetermined mask (Col. 37, lines 2-6; Col. 91, lines 51-56); and right shifting the combined quantity a predetermined number of places (Col. 42, lines 42-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mankude, Narad and Westberg because they each discuss methods process a datagram or packet in-order to distribute the data

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over a network through a plurality of links. Furthermore, the teaching of Narad to combine the quantity of the right shifted IP ID and predetermined mask in connection with Takagi's teaching to produce a result by dividing the combined quantity by the number of links allows for data to be transmitted more efficiently and uniformly through grouped underlying links within a computer network.

34. Claims 15 and 20 do not teach or define any new limitations above claim 5 and therefore is rejected for similar reasons.

35. As per claim 48, it is rejected for similar reasons as stated above in claims 2, 4 and 5.

36. Claims 21, 22, 27-29, 31, 33-37 and 54 are rejected under U.S.C. 103(a) as being unpatentable over Mankude et al. [US Patent No 6,795,866], in view of Lyles et al. [US Patent No 6,563,829].

37. As per claim 21, it is rejected for similar reasons as stated above in claim 1. Furthermore, Mankude does not specifically disclose a round robin policy based. Lyles discloses a round robin policy based [i.e. fair queuing such as round-robin] [col 6, lines 34-43; and col 11, lines 43-62]. It would have been obvious to combine the teaching of Mankude and Lyles because Lyles's teaching of round robin would allow to provide a fairly and dynamically allocating

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transmission bandwidth in a shared-media packet-switch network [Lyles, Abstract; and col 1, lines 15-18].

38. As per claim 22, Lyles discloses a number of links in the plurality of links [i.e. links] [col 9, lines 9-20].

39. As per claim 27, it is rejected for similar reasons as stated above in claim 10. Furthermore, Lyles discloses the operating system further configured to include a virtual interface process [i.e. virtual circuits] [col 11, lines 51-55]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Mankude and Lyles because Lyles's teaching of virtual circuit would allow to provide a fairly and dynamically allocating transmission bandwidth in a shared-media packet-switch network [Lyles, Abstract; and col 1, lines 15-18].

40. As per claims 28 and 29, they are rejected for similar reasons as stated above in claim 21.

41. As per claim 31, it is rejected for similar reasons as stated above in claim 21.

42. As per claim 33, it is rejected for similar reasons as stated above in claim 21.

43. As per claim 34, Mankude does not specifically disclose apportioning data substantially equally over the plurality of underlying links of the aggregate within the computer network.

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Lyles discloses apportioning data equally over the plurality of underlying links of the aggregate within the computer network [Abstract; col 6, lines 24-43; and col 11, lines 43-49]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Mankude and Lyles because Lyles's teaching would allow to provide a fairly and dynamically allocating transmission bandwidth in a shared-media packet-switch network [Lyles, Abstract; and col 1, lines 15-18].

44. As per claims 35 and 36, they are rejected for similar reasons as stated above in claim 34.

45. As per claim 37, it is rejected for similar reasons as stated above in claim 22.

46. As per claim 54, it is rejected for similar reasons as stated above in claim 21.

47. Claims 23, 24, 38 and 39 are rejected under U.S.C. 103(a) as being unpatentable over Mankude et al. [US Patent No 6,795,866], in view of Lyles et al. [US Patent No 6,563,829], and further in view of Westberg [US Patent No 6,791,982].

48. As per claim 23, Mankude and Lyles do not specifically disclose wherein the step of associating comprises the step of producing a result representing a remainder upon dividing the IP ID by the number of active links. Westberg discloses wherein the step of associating comprises the step of producing a result representing a remainder upon dividing the IP ID by the

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number of active links [i.e. modulo] [col 8, lines 37-49]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Mankude, Lyles and Westberg because Westberg's teaching would allow for segmentation for transmission of large data packets to increase the speed of transferring information.

49. As per claim 24, Mankude discloses wherein the step of associating further comprises:
rotating the fragments of each datagram among all the underlying links to thereby ensure that all fragments having the same IP ID are provided to the same physical link of the aggregate [i.e. ensure that packets originating from the same client are directed to the same server] [col 1, lines 52-54; and col 4, lines 15-19].

Mankude and Lyles do not specifically disclose

calculating the IP ID of each datagram in a sequential manner.

Westberg discloses

calculating the IP ID of each datagram in a sequential manner [Figure 4; and col 8, lines 14-36].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Mankude, Lyles and Westberg because Westberg's teaching of sequential manner would allow receiving node to detect lost segments [Westberg, col 8, lines 31-33].

50. As per claims 38 and 39, they are rejected for similar reasons as stated above in claims 23 and 24.

51. Claims 25, 26 and 40 are rejected under U.S.C. 103(a) as being unpatentable over Mankude et al. [US Patent No 6,795,866], in view of Lyles et al. [US Patent No 6,563,829], and further in view of Narad et al. [US Patent No 6,157,955].

52. As per claim 25, Mankude and Lyles do not specifically disclose wherein the step of associating comprising:

logically combining the IP ID with a predetermined mask to produce a quantity;

right shifting the quantity a predetermined number of places; and

establishing a threshold at which a group of data is forwarded to each underlying link of the aggregate.

Narad discloses wherein the step of associating comprises:

logically combining the IP ID with a predetermined mask to produce a quantity (Col. 37, lines 2-6; Col. 91, lines 51-56);

right shifting the quantity a predetermined number of places (Col. 42, lines 42-48); and

establishing a threshold at which a group of data is forwarded to each underlying link of the aggregate (Col. 6, lines 56-62; Col. 8, lines 21-29).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teaching of Mankude, Lyles and Narad because they both deal with processing data in-order to transmit information through a network of communication links. Furthermore, the teaching of Narad to combine the IP ID with a predetermined mask, then to

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right shift the combined value a predetermined number of places while establishing a threshold at which a group of data is forwarded to each underlying link accelerates the association of a datagram and increases efficiency with the systems Mankude and McCullough disclosed.

53. As per claim 26, it is rejected for similar reasons as disclosed above in claims 2 and 21.

54. As per claim 40, it is rejected for similar reasons as stated above in claim 25.

55. Claim 41 is rejected under U.S.C. 103(a) as being unpatentable over Mankude et al. [US Patent No 6,795,866], in view of Lyles et al. [US Patent No 6,563,829], and further in view of Narad et al. [US Patent No 6,157,955] and Westberg [US Patent No 6,791,982].

56. As per claim 41, Mankude, Lyles and Narad do not specifically disclose wherein the step of associating comprises the step of producing a result representing a remainder upon dividing the IP ID by the number of active links. Westberg discloses wherein the step of associating comprises the step of producing a result representing a remainder upon dividing the IP ID by the number of active links [i.e. modulo] [col 8, lines 37-49]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Mankude, Lyles, Narad and Westberg because Westberg's teaching would allow for segmentation for transmission of large data packets to increase the speed of transferring information.

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57. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is 571-272-3971. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

